

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED

January 10, 2012

In the Matter of K. N. STURDIVANT, Minor.

No. 304905

Eaton Circuit Court

Family Division

LC No. 10-017629-NA

Before: MURPHY, C.J., and FITZGERALD and METER, JJ.

PER CURIAM.

Respondent C. Taylor appeals as of right from a circuit court order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent does not contest the trial court's findings regarding the statutory grounds for termination. Once a statutory ground for termination has been established, the court must order termination of parental rights if termination is in the child's best interests. MCL 712A.19b(5). Respondent contends that the trial court erred in ordering termination without considering whether some other permanency plan short of termination was in the child's best interests. We disagree.

At a permanency planning hearing, the court must consider whether the child should be returned to the parent, whether a termination petition should be filed, whether the child should be placed with a guardian or "a fit and willing relative," or whether the child should be placed "in another planned permanent living arrangement." MCR 3.976(A). Once a case proceeds to termination, the law does not require the court to consider alternative permanency plans. If a child is living with a relative when the case proceeds to termination, however, that is a factor to be considered in determining whether termination is in the child's best interests. *In re Mason*, 486 Mich 142, 163; 782 NW2d 747 (2010). The court may terminate parental rights in lieu of placement with relatives if termination is in the child's best interests. *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999); *In re McIntyre*, 192 Mich App 47, 52-53; 480 NW2d 293 (1991).

Although the evidence showed that respondent loved his child, and the child sometimes expressed regret over respondent's absence from his life, it was clear from respondent's conduct that he had no desire to be a regular presence in the child's life. There is no reason to believe that respondent's sporadic presence in the child's life at irregular and unpredictable intervals would be more beneficial to the child than termination. Although respondent testified that he would be open to a guardianship in lieu of termination, he did not identify a possible guardian or

present any evidence that the child's current relative caretaker or anyone else was willing to serve as a guardian. Because there was no evidence to indicate that a guardianship was in the child's best interests, and respondent was not prepared to be a custodial parent, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); MCR 3.977(K).

Affirmed.

/s/ William B. Murphy
/s/ E. Thomas Fitzgerald
/s/ Patrick M. Meter